

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

PIMPAKTRA RUST

Plaintiff,

vs.

CIVIL ACTION

VINA E. RUST, CHAKDHARI A. RUST,
and THE BRYN MAWR TRUST
COMPANY OF DELAWARE

Case No. _____

Defendants.

NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF GEORGIA

COMES NOW, Defendants, Vina E. Rust and Chakdhari A. Rust (“Rust Defendants”),
appearing solely for the purpose of filing this Notice of Removal and, reserving all rights and
without waiver of any defenses, shows the Court as follows:

BACKGROUND

1. The Rust Defendants are Defendants in an action commenced on or about July 1, 2021, in the Superior Court of Thomas County, captioned Pimpaktra Rust v. Vina E. Rust, Chakdhari A. Rust, and the Bryn Mawr Trust Company of Delaware, Case No. SUCV2021000425. Vina E. Rust was served with summons and a copy of the Complaint on July 12, 2021. Plaintiff did not file the entry of service until six business days later on July 20, 2021. Chakdhari A. Rust was served with summons and a copy of the Complaint on July 13, 2021. Plaintiff did not file the entry of service until nine business days later on July 26, 2021.

2. Plaintiff purports to state claims for relief against the Rust Defendants for (1) Declaratory Judgment and (2) Injunctive Relief in connection with a certain parcel of property located in Thomas County.
3. The Rust Defendants seek the removal of this entire action pursuant to 28 U.S.C. § 1441.
4. This Notice is filed within 30 days from the service of the Complaint on the Rust Defendants and is therefore timely filed pursuant to 28 U.S.C. §1446(b).
5. Plaintiff filed this action in the Superior Court of Thomas County, Georgia which lies within the boundaries of the United States District Court for the Middle District of Georgia, Valdosta division making removal to this Court proper. *See* 28 U.S.C. §1446(a) (removal is to “the district court of the United States for the district and division within which such action is pending.”)
6. Neither the Rust Defendants nor its attorneys, the law firm of Coleman Talley, LLP, have entered an appearance, filed any responsive pleading or otherwise responded to Plaintiff’s Complaint in the Superior Court of Thomas County, Georgia.
7. Pursuant to 28 U.S.C. § 1441 this Notice of Removal is accompanied by copies of all process, pleadings and orders served upon the Rust Defendants in this action, attached hereto as Exhibit A.
8. Simultaneously with the filing of this Notice, and in accordance with 28 U.S.C. §1446(d), the Rust Defendants served a Notice of Filing of Notice of Removal on Plaintiff and filed the same with the Clerk of the Superior Court for Thomas County, Georgia, a copy of which is attached hereto as Exhibit B.

Grounds for Removal – Diversity Jurisdiction

9. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(1)

insofar as Plaintiff seeks damages in excess of \$75,000 and the controversy is between citizens of different States.

A. Diversity of the Parties

10. Upon information and belief, Plaintiff is a citizen of the State of Georgia.

11. As alleged in Plaintiff's Complaint, Vina E. Rust is a citizen and resident of the State of Washington. Complaint ¶1.

12. As alleged in Plaintiff's Complaint, Chakdhari A. Rust is a citizen and resident of the State of California. Complaint ¶2.

13. Defendant The Bryn Mawr Trust Company of Delaware is a limited purpose trust company organized under the laws of Delaware.

B. Amount in Controversy

14. The Rust Defendants maintain a good faith belief that Plaintiff's claims exceed the jurisdictional minimum amount of \$75,000.00, exclusive of interest and costs.

15. Plaintiff seeks a legal determination regarding the ownership of certain real property valued well in excess of \$75,000.00. *See* Complaint ¶¶44, 70. Although, Plaintiff failed to specify a damages amount, the Rust Defendants can prove by a preponderance of the evidence that the amount in controversy exceeds \$75,000. By Plaintiff's own allegation, the Property had a proposed listing price of \$6,900,000 in January of 2021. Complaint ¶44.

WHEREFORE, without conceding that they are subject to the personal jurisdiction of this Court, the Rust Defendants remove this entire action from the Superior Court of Thomas County, Georgia to the United States District Court for the Middle District of Georgia, Valdosta and prays for all other relief to which they are entitled.

Respectfully submitted this 11th day of August, 2021.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has this day mailed a copy of the foregoing *Notice of Removal* in an envelope properly addressed and with sufficient postage thereon for delivery, to:

Frank Faison Middleton, IV
Watson Spence LLP
P.O. Box 2008
320 W. Residence Ave.
Albany, Georgia 31702-2008

This 11th day of August, 2021.

/s/Gregory T. Talley
Gregory T. Talley